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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
KEVIN STUBBS,  
Defendant.

CASE NO.: 2:19-CR-00142-APG-DJA

**STIPULATION TO EXTEND TIME  
TO FILE OBJECTIONS TO THE  
MAGISTRATE COURT'S REPORT  
AND RECOMMENDATION (ECF No.  
88)**

## ORDER

**(First Request)**

IT IS HEREBY STIPULATED AND AGREED by Defendant Kevin Stubbs, by and through his attorney, THOMAS A. ERICSSON, ESQ., and the United States of America, by and through TONY LOPEZ, ESQ., and JAMIE MICKELSON, ESQ., Assistant United States Attorneys, that the date for the defendant to file Objections to the Magistrate Court's Report and Recommendation denying Mr. Stubbs' Motion to Suppress Evidence (ECF No. 77) be extended up to and including July 30, 2020.

The request for a continuance is based upon the following:

1. Counsel for the Defendant is awaiting the transcripts from the evidentiary hearing held on June 12, 2020. Counsel believes the transcripts will be necessary for the Court's consideration of the issues raised in the Objections. Counsel

1                   requires the additional time to obtain the transcripts and finalize Mr. Stubbs'  
2                   objections.  
3

- 4         2. Defendant Stubbs is currently in custody and has no objection to the  
5                   continuance.
- 6         3. Defense Counsel has spoken to Assistant United States Attorney Jamie  
7                   Mickelson, and she has no objection to the extension.
- 8         4. The additional time requested herein is not sought for purposes of delay.
- 9         5. Denial of this request for an extension would deny counsel for the defendant  
10                  sufficient time to effectively and thoroughly prepare and submit Objections,  
11                  taking into account the exercise of due diligence.
- 12         6. Additionally, denial of this request for continuance could result in a miscarriage  
13                  of justice.

14                  This is the first request to extend the time to file the Objections.

15                  DATED: July 9, 2020

16                  Respectfully submitted,

17                  \_\_\_\_\_  
18                  */s/ Thomas A. Ericsson*

19  
20                  Thomas A. Ericsson, Esq.  
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24                  Attorney for Defendant

25                  \_\_\_\_\_  
26                  */s/ Jamie Mickelson*

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## **FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Counsel for the Defendant is awaiting the transcripts from the evidentiary hearing held on June 12, 2020. Counsel believes the transcripts will be necessary for the Court's consideration of the issues raised in the Objections. Counsel requires the additional time to obtain the transcripts and finalize Mr. Stubbs' objections.
  2. Defendant Stubbs is currently in custody and has no objection to the continuance.

3. Defense Counsel has spoken to Assistant United States Attorney Jamie Mickelson, and she has no objection to the extension.
4. The additional time requested herein is not sought for purposes of delay.
5. Denial of this request for an extension would deny counsel for the defendant sufficient time to effectively and thoroughly prepare and submit Objections, taking into account the exercise of due diligence.
6. Additionally, denial of this request for continuance could result in a miscarriage of justice.

## **CONCLUSION OF LAW**

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the Defendant's deadline to file objections. The additional time requested herein is not sought for purposes of delay, taking into account due diligence. The failure to grant said continuance would likely result in a miscarriage of justice.

## ORDER

Based on the pending stipulation of the parties, and good cause appearing, the stipulation is hereby GRANTED.

IT IS HEREBY ORDERED that the deadline for Defendant to file objections to the Magistrate Court's Report and Recommendation [ECF No. 88] be extended to July 30, 2020.

DATED AND DONE this 9th day of July, 2020.



UNITED STATES DISTRICT JUDGE